

# KILARU

# EXHIBIT 2

# LATHAM & WATKINS LLP

August 5, 2024

## VIA CERTIFIED U.S. MAIL

Division of Consumer Protection  
 1302 E Hwy 14  
 Suite 3  
 Pierre, SD 57501-8501

FIRM / AFFILIATE OFFICES

Austin	Milan
Beijing	Munich
Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
Dubai	San Diego
Düsseldorf	San Francisco
Frankfurt	Seoul
Hamburg	Silicon Valley
Hong Kong	Singapore
Houston	Tel Aviv
London	Tokyo
Los Angeles	Washington, D.C.
Madrid	

Re: Notice of Class Action Settlement Pursuant to 28 U.S.C § 1715  
*In re College Athlete NIL Litigation*, Case No. 4:20-cv-03919-CW  
*Hubbard v. Nat'l Collegiate Athletic Assoc. et al.*, Case No. 4:23-cv-01593-CW  
*Carter v. Nat'l Collegiate Athletic Assoc. et al.*, Case No. 3:23-cv-06325-RS

Dear Attorney General:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, we write on behalf of Defendants National Collegiate Athletic Association (“NCAA”), Pac-12 Conference (“Pac-12”), The Big Ten Conference, Inc. (“Big Ten”), The Big 12 Conference, Inc. (“Big 12”), Southeastern Conference (“SEC”), and the Atlantic Coast Conference (“ACC”) (collectively, “Defendants”) to provide the following notification of the proposed settlements in *In re College Athlete NIL Litigation*, Case No. 4:20-cv-03919-CW (N.D. Cal.) (“House”), *Hubbard v. Nat'l Collegiate Athletic Assoc. et al.*, Case No. 4:23-cv-01593-CW (N.D. Cal.) (“Hubbard”), and *Carter v. Nat'l Collegiate Athletic Assoc. et al.*, Case No. 3:23-cv-06325-RS (“Carter,” and collectively with *House* and *Hubbard*, the “Federal Actions”).

Enclosed is a CD containing the following information in a PDF format:

1. **28 U.S.C. § 1715(b)(1) – Complaints:**

- The Class Action Complaint (ECF No. 1), Consolidated Amended Complaint (ECF No. 164), and Second Consolidated Amended Class Action Complaint (ECF No. 448-1), filed as Exhibit 1 to the Stipulation with Proposed Order Regarding Filing of Second Consolidated Amended Class Action Complaint (ECF No. 448), filed in *House*.
- The Complaint (ECF No. 1) filed in *Hubbard*.

**LATHAM & WATKINS LLP**

- The Complaint (ECF No. 1) filed in *Carter*.

2. **28 U.S.C. § 1715(b)(2) – Notice of any Scheduled Judicial Hearings:** Plaintiffs in *House* and *Hubbard* noticed a settlement hearing for September 5, 2024. (*House* ECF No. 450; *Hubbard* ECF No. 227). On July 30, 2024, those plaintiffs filed an Unopposed Administrative Motion to Shorten Time Pursuant to Civil Local Rule 6-3 For the Hearing Of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement (*House* ECF No. 451; *Hubbard* ECF No. 228), requesting to advance the noticed hearing date from September 5, 2024 to August 12, 13, 14 or August 19, 20, 21, or 22, 2024.

3. **28 U.S.C. § 1715 (b)(3) and (b)(4) – Proposed Notification to Class Members and Class Action Settlement Agreements:**

- The *House* Plaintiffs' Unopposed Motion for Preliminary Settlement Approval (ECF No. 450), submitted to the District Court on July 26, 2024, as well as the Stipulation of Settlement (Exhibit 1 to the Declaration of Steve W. Berman (ECF No. 450-2), ECF No. 450-3), with the following exhibits:
  - [Proposed] Order (ECF No. 450-1);
  - Declaration of Daniel A. Rascher (ECF No. 450-4); and
  - Declaration of Carla A. Peak Regarding Settlement Notice Program (ECF No. 450-5).
- The *Hubbard* Plaintiffs' Notice of Motion and Unopposed Motion for Preliminary Approval of Class Action Settlement (ECF No. 227), submitted to the District Court on July 26, 2024, as well as the Stipulation of Settlement (Exhibit 1 to the Declaration of Jeffrey L. Kessler (ECF No. 227-2), ECF No. 227-3), with the following exhibits:
  - [Proposed] Order (ECF No. 227-1);
  - Exhibit 2 to the Declaration of Jeffrey L. Kessler (ECF No. 227-4);
  - Declaration of Daniel A. Rascher (ECF No. 227-5); and
  - Declaration of Carla A. Peak Regarding Settlement Notice Program (ECF No. 227-6).

4. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** None.

5. **28 U.S.C. § 1715(b)(6) – Final Judgment:** None.

6. **28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** The names and residences of all of the class members will not be known until after notice of the settlement is given and potential class members submit a Proof of Claim and Release. Accordingly, it is not feasible at this time to provide a list of class members by state of residence, a reasonable estimate of the number of class members residing in each state, or a reasonable estimate of the proportionate share of claims of class members residing in each state to the entire settlement. We respectfully refer any further inquiries regarding the potential class members to Verita Global, LLC (the

**LATHAM & WATKINS LLP**

“Settlement Administrator”), which is working to collect information regarding potential class members in order to provide such members with notice of the Stipulation of Settlement.

7. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** The Court granted the *House* Plaintiffs’ Unopposed Motion for Certification of Injunctive Relief Class on September 22, 2023 (*House* ECF No. 323), granted the *House* Plaintiffs’ Motion for Certification of Damages Classes on November 3, 2023 (*House* ECF No. 387), and issued an Order Granting the *House* Plaintiffs’ Motion to Approve Manner and Form of Class Notice (as Modified) on March 1, 2024 (*House* ECF No. 406).

The foregoing information is provided based on the information currently available to Defendants and is based on the status of the proceedings at the time of the submission of this notification. Should you have any questions, please do not hesitate to contact us.

Respectfully submitted,

s/ Christopher S. Yates

Christopher S. Yates  
Latham & Watkins LLP  
500 Montgomery Street, Suite 2000  
San Francisco, CA 94111-6538  
Telephone: 415.391.0600  
Facsimile: 415.395.8095  
Email: chris.yates@lw.com

*Attorney for Defendant Atlantic Coast Conference*

s/ Natali Wyson

Natali Wyson  
Angela C. Zambrano  
nwyson@sidley.com  
angela.zambrano@sidley.com  
SIDLEY AUSTIN LLP  
2021 McKinney Avenue, Suite 2000  
Dallas, Texas 75201  
Telephone: (214) 981-3300  
Facsimile: (214) 981-3400

*Attorney for Defendant The Big 12 Conference, Inc.*

s/ Robert W. Fuller

Robert W. Fuller  
rfuller@robinsonbradshaw.com  
ROBINSON, BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900

LATHAM & WATKINS<sup>LLP</sup>

Charlotte, North Carolina 28246  
Telephone: (704) 377-2536  
Facsimile: (704) 378-4000

*Attorney for Defendant Southeastern Conference*

s/ Britt M. Miller

Britt M. Miller  
MAYER BROWN LLP  
71 South Wacker Drive  
Chicago IL, 60606  
Tel: (312) 701-8663  
Fax: (312) 706-8763  
bmiller@mayerbrown.com

*Attorney for Defendant The Big Ten Conference, Inc.*

s/ Rakesh Kilaru

Rakesh Kilaru  
WILKINSON STEKLOFF LLP  
2001 M Street NW, 10th Floor  
Washington, DC 20036  
Telephone: (202) 847-4000  
Facsimile: (202) 847-4005  
rkilaru@wilkinsonstekloff.com

*Attorney for Defendant National Collegiate Athletic Association*

s/ Whitty Somvichian

Whitty Somvichian  
COOLEY LLP  
3 Embarcadero Street, 20th Floor  
San Francisco, CA 94111-4004  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222  
Email: wsomvichian@cooley.com

*Attorney for Defendant Pac-12 Conference*